

**56<sup>th</sup> Annual Spring Meeting Agenda**  
**Thursday, March 27, 2008**  
**Updated 3.20.08**

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**7:30 am – 5:30 pm**  
**Bookstore and Registration Open**

**8:15 – 9:45 am**  
**Breakfast with State Enforcers**

Presented by the State Enforcement Committee

State enforcement continues to be a vital part of the US antitrust enforcement landscape. A panel of four state enforcers will address recent state enforcement activities, focusing on individual and multi-state efforts.

***Session Chair and Moderator:***

Emilio E. Varanini IV, Deputy Attorney General,  
Office of the California Attorney General, San Francisco, CA

***Speakers:***

Jesse M. Caplan, Epstein Becker & Green, P.C., Worcester, MA

Layne M. Lindebak, Assistant Attorney General,  
Office of the Iowa Attorney General, Des Moines, IA

Emily Myers, Antitrust Counsel, National Association of Attorneys General,  
Washington, DC

Jennifer L. Pratt, Chief Antitrust Section  
Office of the Ohio Attorney General, Columbus, OH

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**8:15 – 9:45 am**



**EC Court of First Instance Weighs in: Global implications for Interoperability,  
Compulsory Licensing and Bundling**

*Presented by the Computer Industry and Internet Committee*

Leading experts provide insight and analysis of the implications of the CFI decision in *Microsoft* for other technology companies and other industries, in Europe and around the world.

***Session Chair:***

Eugene A. Burrus, Microsoft Corp., Redmond, WA

***Moderator:***

David H. Evans, Arent Fox LLP, Washington, DC

***Speakers:***

Cani Fernández-Vicién, Cuatrecasas, Brussels, Belgium

Ian S. Forrester, White & Case LLP, Brussels, Belgium

Per Hellström, Head of Unit, European Commission,  
DG Competition, Brussels, Belgium

Thomas Vinje, Clifford Chance LLP, Brussels, Belgium

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**8:15 – 9:45 am**

**Ethics: Gathering Competitive Intelligence - Where's the Line?**

*Presented by the Compliance and Ethics Committee*

Corporations routinely gather competitively sensitive information from a variety of sources to help inform their decisions. This program will examine the implications of a series of typical scenarios encountered by companies, and provide guidelines for gathering competitive information.

***Session Chair and Moderator:***

Thomas D. Fina, Howrey LLP, Washington, DC

***Speakers:***

Brian R. Henry, Competition Counsel, The Coca-Cola Company, Atlanta, GA

Robert M. Lindquist, Vice President, World Wide Legal Department, Ingram Micro Inc., Santa Ana, CA

Mary Erin Mariani, DuPont Company Inc., Wilmington, DE

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**8:15 – 9:45 am**

**“From *Standard Oil* to Today: Antitrust Enforcement in the Oil Industry”**

*Presented by the Fuel & Energy Committee and Unilateral Conduct Committees*

Antitrust enforcement in the petroleum industry is more vigorous today than at any time in recent decades. The Federal Trade Commission maintains a busy industry agenda and challenges oil company mergers at lower concentration levels than in any other markets. But still Congress is considering stiffening the antitrust standards for this industry and imposing new regulation. What can we learn from the history of enforcement – from *U.S. v. Standard Oil*, through the mergers of the 1990s, to the most recent merger challenges – about how best to balance market forces and government intervention?

Looking back, how has antitrust enforcement affected the U.S. market, where *Standard Oil*'s successor companies still are the biggest suppliers? How can antitrust today help increase domestic output, reduce prices at the pump, and maintain energy security? This panel will explore this history and the lessons it suggests for future enforcement.

***Session Chair and Speaker:***

J. Bruce McDonald, Jones Day, Washington, DC

***Moderator:***

Julie A. Soloway, Blake Cassels & Graydon LLP, Toronto, Canada

***Speakers:***

Joseph P. Kalt, Kennedy School of Government, Harvard University, Cambridge, MA

Joseph A. Stanislaw, Duke University, Durham, NC

David P. Wales, Deputy Director, Bureau of Competition, Federal Trade Commission, Washington, DC

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**8:15 – 9:45 am**

**Innovation and Dynamic Efficiency in Technology Markets – Does Antitrust Do More Harm than Good?**

*Presented by the Economics and Intellectual Property Committees*

Does antitrust enforcement promote or inhibit technological advances and the development of intellectual property? The Schumpeterian School favors antitrust policy that promotes dynamic, innovation-based competition over static, price or output competition. Some say traditional antitrust law, with its heavy emphasis on market concentration, does just the opposite. The program will examine this debate in the context of current intellectual property/antitrust issues, such as what disclosures should be required during the standard-setting process and whether and when claims of predatory innovation should be recognized.

***Session Chair and Moderator:***

Paul H. Saint-Antoine, Drinker Biddle & Reath LLP, Philadelphia, PA

***Speakers:***

Jonathan B. Baker, American University Washington College of Law,  
Washington, DC

Alice Detwiler, Senior Attorney, Antitrust, Microsoft Corporation, Redmond, WA

David J. Teece, LECG LLC, Emeryville, CA

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**8:15 – 9:45 am**



**Managing the Major Antitrust Case – New Techniques**

*Presented by the Corporate Counseling Committee*

This program will focus on the challenges facing corporate counsel in managing internal expectations and external resources in the face of major antitrust litigation, whether as a plaintiff or defendant. Threats to a company's fundamental business model, the disruption caused by discovery, and the costs of antitrust litigation can impact company strategy and force tough decisions. Experienced panelists will discuss the skills required to manage major antitrust litigation and the considerations that come into play where there is an international dimension, supplier relationship issues, and "bet the company" risk.

***Session Chair and Moderator:***

Allan M. Huss, Senior Counsel Antitrust/Regulatory Affairs, Chrysler LLC,  
Auburn Hills, MI

***Speakers:***

Richard A. Arnold, Kenny Nachwalter PA, Rogersville, TN

Steven J. Cernak, General Motors Corporation, Detroit, MI

Richard J. Wallis, Deputy General Counsel, Microsoft Corporation, Redmond,  
WA

Lori A. Zirkle, Bowman & Brooke, Phoenix, AZ

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**8:15 – 9:45 am**



**Special Problems in Internet Market Structure**

*Presented by the Computer Industry and Internet Committee*

The Google/Double-Click merger, the Federal Trade Commission's Fall 2007 hearings on targeted online behavioral advertising, the net neutrality debate and the ever-evolving nature of the online market all present a complex web of challenging consumer protection and competition issues. Are dominant search engines gaining market power now? Can tomorrow's start-ups compete with today's free online services? Can they attract ad revenue in light of increasing concentration in online ad markets? Will consumer data be held by an increasingly small number of firms? This panel will tackle these and other hard questions posed by the special issues in internet market structure.

***Session Chair:***

Gail F. Levine, Assistant General Counsel, Verizon Communications Inc.,  
Arlington, VA

***Moderator:***

A. Jorge Padilla, LECG LLC, Brussels, Belgium

***Speakers:***

William Blumenthal, General Counsel, Federal Trade Commission,  
Washington, DC

Michael Katz, Haas School of Business, University of California Berkeley,  
Berkeley, CA

Christine A. Varney, Hogan & Hartson LLP, Washington, DC

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**10:00 am – noon**

**Chair's Showcase Program – Antitrust Advice for the New Administration**

***Section Chair and Moderator:***

Kathryn M. Fenton, Jones Day, Washington, DC

***Speakers:***

A. Douglas Melamed, Wilmer Cutler Pickering Hale & Dorr LLP, Washington, DC

Timothy Muris, O'Melveny & Myers LLP, Washington, DC

R. Hewitt Pate, Huton and Williams LLP, Washington, DC

Robert Pitofsky, Georgetown School of Law, Washington, DC

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**1:30 – 3:00 pm**

**What Will Be Retired Next in the Closet of Old Antitrust Doctrines?**

*Presented by the Intellectual Property Committee*

*Leegin* and *Independent Ink* from the 2005 Term demonstrate that the Supreme Court is willing to push *stare decisis* to the side in order to update or discard old antitrust

doctrines. This program will examine potential future candidates for retirement and debate plausible reasons for their retirement.

***Session Chair and Moderator:***

Henry C. Su, Howrey LLP, East Palo Alto, CA

***Speakers:***

The Honorable J. Thomas Rosch, Commissioner  
Federal Trade Commission, Washington, DC

Gail F. Levine, Assistant General Counsel, Verizon Communications Inc.,  
Arlington, VA

Randal C. Picker, The University of Chicago Law School, Chicago, IL

Gregory J. Werden, Senior Economic Counsel, U.S. Department of Justice,  
Antitrust Division, Washington, DC

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**1:30 – 3:00 pm**

**Whose Data Is It? Competition, Privacy and Consumer Protection Perspectives in Electronic Data Markets**

*Presented by the Computer Industry & Internet and Privacy & Information Security Committees*

This program will address the intersection of data security and competition in electronic markets and analyze the appropriate balances to be struck in the current market environment. Electronic data is a critical asset in today's economy. While consumer and privacy regulators have long scrutinized corporate online privacy practices with the goal of protecting sensitive information, they are now beginning to examine other impacts of data collection and retention. At the same time, competition regulators have begun to examine the competition law implications of how companies strategically collect and use data.

***Session Chair:***

Michael K. Lindsey, Paul Hastings Janofsky & Walker LLP, Los Angeles, CA

***Moderator:***

Mozelle W. Thompson, Thompson Strategic Consulting, Washington, DC

***Speakers:***

Peter Fleisher, Global Privacy Counsel, Paris, France

The Honorable Pamela Jones Harbour, Commissioner, Federal Trade Commission, Washington, DC

Christopher J. Kelly, Senior Vice President and General Counsel, Facebook.com, Palo Alto, CA

Scott R. Shipman, Chief Privacy Counsel, eBay, Inc., San Jose, CA

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**1:30 – 5:00 pm**



**Mock Trial**

*Presented by the Trial Practice Committee*

After nearly a century of per se illegality under *Dr. Miles*, the U.S. Supreme Court's *Leegin* decision held that resale price maintenance agreements would be judged under the Rule of Reason. This year's mock trial program will feature a talented panel of trial lawyers trying a Rule of Reason case in the context of a resale price maintenance agreement. Join us as we learn what themes trial counsel will emphasize, and how a jury will respond.

***Session Chair and Moderator:***

Michael A. Lindsay, Dorsey & Whitney LLP, Minneapolis, MN

***Speakers:***

Tasneem Chipty, CRA International, Boston, MA

Leslie Ellis, TrialGraphix, Washington, DC

Robert L. Hubbard, Office of the New York Attorney General, New York, NY

Carol Peterson, 3M, Saint Paul, MN

The Honorable Loretta A. Preska, United States District Judge, New York, NY

Andrew Rossner, New Jersey Attorney General's Office, Newark, NJ

M. Sean Royall, Gibson Dunn & Crutcher LLP, Dallas, TX

Lawrence Wu, NERA Economic Consulting, San Francisco, CA

James Yoon, New York Attorney General's Office, New York, NY

Margaret M. Zwisler, Latham & Watkins LLP, Washington, DC

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**1:30 - 5:00 p.m.**



**Setting Prices: Exploring Points of Divergence Across Jurisdictions**

*Presented by the Price Discrimination and Unilateral Conduct Committees*

Senior regulators, prominent practitioners, and in-house counsel from the U.S., Europe, U.K., Spain, Canada, and Japan discuss legal constraints on the pricing behavior of global companies. In an interactive dialogue, panel members will comment on hypothetical pricing situations and how the laws of their respective jurisdictions might address those situations. This program is divided into two parts.

From 1:30 – 3:15 pm, the first panel will focus on resale price maintenance, bundling, and “loyalty” rebates and discounts.

From 3:15 – 5:00 pm, the second panel will focus on price discrimination, price-gouging (excessive pricing), and predatory pricing.

***Session Chair and Moderator:***

Alicia L. Downey, Bingham McCutchen LLP, Boston, MA

***Speakers:***

**Part I—1:30-3:15 pm**

Howard J. Bergman, 3M, Europe, Middle East, Africa, Brussels, Belgium

Philip Lowe, Director General, European Commission, DG Competition, Brussels, Belgium

James B. Musgrove, Lang Michener LLP, Toronto, Ontario

Irving Scher, Weil Gotshal & Manges LLP, New York, NY

Kimitoshi Yabuki, Yabuki Law Offices, Tokyo, Japan

**Part II--3:15 – 5:00 pm**

Philip Lowe, Director General, European Commission, DG Competition, Brussels, Belgium

Carlos Pascual Pons, General Director for Investigations, National Competition Commission, Madrid, Spain

Donald J. Rosenberg, Qualcomm Inc., San Diego, CA

Irving Scher, Weil Gotshal & Manges LLP, New York, NY

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**3:15 – 5:00 pm**



**Antitrust Issues for International Air Carriers: Is There Turbulence Ahead?**

*Presented by the Exemptions & Immunities and Transportation Industry Committees*

Recent events have increased the antitrust profile of international air carriers. This session will explore defenses and immunities commonly invoked by international air

carriers, including the extent to which international carriers should be subject to U.S. competition laws, the application of immunities and pre-emption defenses to air carriers, and issues of international comity confronted by international air carriers.

***Session Chair:***

John Roberti, Mayer Brown LLP, Washington, DC

***Moderator:***

Roger Fones, Morrison & Foerster LLP, Washington, DC

***Speakers:***

Colin T. Flynn, International Air Transport Association (IATA), Geneva, Switzerland

Donna N. Kooperstein, Chief, Transportation, Energy & Agriculture Section, U.S. Department of Justice, Antitrust Division, Washington, DC

Bruce H. Rabinovitz, Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC

Charles E. Tompkins, Cohen Milstein Hausfeld & Toll PLLC, Washington, DC

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**3:15 – 5:00 pm**  
**Hot Topics**

The Hot Topics Program will introduce major trends and developments over the past year and focus on the following three segments: (i) opportunities and challenges for strategic "BvB" competition law litigation globally, (ii) the very recent successful defense of an individual in a rare criminal antitrust trial in the wake of multiple guilty pleas and related alleged co-conspirator cooperation, and (iii) the use of Section 5 of the FTC Act in potentially expanding the role of the FTC.

***Spring Meeting Co-Chairs:***

Michael G. Egge, Latham & Watkins LLP, Washington, DC

Roxann E. Henry, Howrey LLP, Washington, DC

***Speaker:***

Stephen Calkins, Wayne State University, Detroit, MI

John Pheasant, Hogan & Hartson, London, England

**7:30 pm**  
**Spring Dinner**

Close out the day by joining your colleagues and clients for the annual dinner. Please book your ticket now as seating is limited. Tickets are available on-line when you register.

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